IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.10286 OF 2004
AND
WRIT PETITION NO.10291 OF 2004

Annasaheb Suryabhan Gadakh .... Petitioner
Vs.
The Returning Officer,
Sinnar Taluka Audyogik Sahakari
Vasahat Maryadit, at Musalgaon,
Taluka Sinnar, Dist: Nasik & Ors. .... Respondents

Shri Uday Warunjikar for the Petitioner.

Shri S.P. Kadam for the Respondent No.3.

CORAM: R.M.S. KHANDEPARKAR, J.

DATED: DECEMBER 22, 2004

P.C:

1. Since common questions of law and facts arise in both the petitions, they were heard together and are being disposed of by this common order.

2. The petitioner challenges the orders passed by the Returning Officer and the Appellate Authority rejecting the nominations filed by the petitioner in the industrialist constituency for the election to the managing committee of the Sinnar Taluka Industrial Co-operative Society Limited. The authorities have rejected the nomination on the ground that the petitioner does not fall in the category of the

industrialist within the meaning of the said expression under the bye-laws of the society and being disqualified for contesting the election in terms of the provisions of Section 73-FF(1)(e)(v) of the Maharashtra Co-operative Societies Act, 1960. The decision is sought to be challenged on various grounds. However, it is not necessary to address to any of those grounds and suffice to observe that the election process to the managing committee of the society having already commenced is in progress and the final list of the candidates is to be displayed by the election authorities by 5:00 p.m. today, and the voting is scheduled to take place on 9-1-2005. In the circumstances, considering the law laid down by the Apex Court in **Shri Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha and another v. State of Maharashtra,** reported in (2001) 8 SCC 509 and of the Division Bench of this Court in **Pandurang Hindurao Patil v. State of Maharashtra and others,** reported in 1983 Mh.L.J. 1081 and the decision in the matter of **Vijaysingh Krishnarao Parbat v. Returning Officer, Janata Sahakari Bank Ltd., and others,** reported in 2003 (2) Mh.L.J. 485, question of interference in the impugned orders at this stage by this Court in writ jurisdiction does not arise and on that count alone the petitions are liable to be rejected and are accordingly rejected.